

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES AYRES,

Plaintiff

vs.

DEPUTY TRACEY LEESE and
DEPUTY STEPHEN WALLS

Defendants

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: CIVIL ACTION NO.
: 09-1512
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SECOND AMENDED RULE 16 SCHEDULING ORDER

AND NOW, this 18th day of November, 2010, following a telephone conference on the record with counsel, **IT IS ORDERED** as follows:

1. Any motions in *limine* shall be filed and served on or before ***February 1, 2011***.
2. The parties shall file all motions and responses with the Clerk and serve a copy on this office. All motions (except those relying solely on a Federal Rule of Civil Procedure) shall be accompanied by a brief, not to exceed twenty-five (25) pages without prior leave of court. There shall be no reply briefs unless requested, or authorized, by the undersigned.
3. On or before ***February 1, 2011***, trial counsel for the parties shall file with the Clerk and serve a copy on this office and opposing counsel:
 - (A) Pretrial Memoranda on all legal and evidentiary issues expected to arise at trial. Pretrial Memoranda shall be prepared in accordance with Rule 16.1(c) of the Local Rules of Civil Procedure and shall include the following:

- (1) a list of the identity of each expert witness to be called at the trial, if any;
- (2) a curriculum vitae for each expert witness listed;
- (3) a list of each fact witness to be called at the trial with a brief statement of the nature of their expected testimony (the failure to list a witness may result in the inability to call that witness during the offending party's case-in-chief);
- (4) an itemized statement of claimant's damages or other relief sought;
- (5) a statement of any anticipated important legal issues on which the Court will be required to rule, together with counsel's best authority on each issue; and
- (6) a list of all exhibits to be used at the trial. Each party shall mark its trial exhibits **in advance of trial** with consecutive numbers appropriately prefixed with an identifying letter of counsel's choice (i.e., P-1, P-2, D-1, D-2). Counsel shall exchange with each other copies of all documentary and photographic exhibits and shall provide an opportunity for opposing counsel to view any models or videotapes. Counsel shall provide the undersigned with two (2) copies of each exhibit, together with a

schedule of exhibits that briefly describes each exhibit.¹

4. A Final Pretrial Conference will be held on ***Monday, July 18, 2011***, at 9:30 o'clock a.m. before the undersigned in Courtroom A, Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania.

5. Jury selection shall take place on ***Wednesday, July 27, 2011***, at 9:30 o'clock a.m. at the James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.

6. Trial of the within case shall commence on ***Monday, August 1, 2011***, at 9:30 o'clock a.m. in Courtroom A, Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania. This Order shall serve as a formal attachment for trial.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN
United States Magistrate Judge

¹ Counsel is encouraged to provide the Court with only the essential and relevant portions of bulky exhibits, together with sufficient material to provide context for the relevant portion of the exhibits.

Counsel shall hole-punch the exhibits and place each marked copy into a binder with tabs (which correspond to each exhibit's number) for the undersigned's use at trial.